

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
JASPER DIVISION**

NICHOLAS POE,)	
)	
Plaintiff,)	
)	
v.)	Case No. 6:23-cv-00948-LCB-JHE
)	
SHERIFF SMITH, <i>et al.</i> ,)	
)	
Defendants.)	

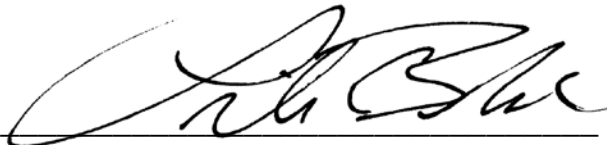
ORDER OF DISMISSAL

Plaintiff Nicholas Poe initiated this action by filing an “Inmate Complaint/Grievance,” which was docketed as a prisoner civil rights complaint pursuant to 42 U.S.C. § 1983. (Doc. 1). On September 11, 2023, the magistrate judge entered a report recommending the court dismiss this action pursuant to Federal Rule of Civil Procedure 41(b) based on Poe’s failure to prosecute his claims. (Doc. 5). Although the magistrate judge advised Poe of his right to file written objections within 14 days, the court has not received any objections.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the court **ADOPTS** the magistrate judge’s report and **ACCEPTS** his recommendation. Accordingly, this action is **DISMISSED WITHOUT PREJUDICE** pursuant to Federal Rule of Civil Procedure 41(b) based on Poe’s failure to prosecute his claims.

For information regarding the cost of appeal, see the attached notice.

DONE and **ORDERED** October 5, 2023.



LILES C. BURKE
UNITED STATES DISTRICT JUDGE

United States Court of Appeals

Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

In Replying Give Number
of Case and Names of Parties

NOTICE TO PRISONERS CONCERNING CIVIL APPEALS

The Prison Litigation Reform Act of 1995 (effective April 26, 1996) now **REQUIRES** that all prisoners pay the Court's \$500 docket fee plus \$5 filing fee (for a total of \$505) when appealing any civil judgment.

If you wish to appeal in a civil case that Act now **requires** that upon filing a notice of appeal you *either*:

- (1) Pay the total \$505 fee to the clerk of the district court from which this case arose; *or*
- (2) arrange to have a prison official certify to the district court from which the appeal arose the average monthly deposits and balances in your prison account for each of the six months preceding the filing of a notice of appeal.

If you proceed with option (2) above, the Act requires that the district court order you to pay an *initial partial fee* of at least 20% of the **greater** of either the average monthly deposits or of the average monthly balances shown in your prison account. The remainder of the total \$505 fee will thereafter be deducted from your prison account each month that your account balance exceeds \$10. Each such monthly deduction shall equal 20% of all deposits to your prison account during the previous month, until the total \$505 fee is paid. (If your prison account statement shows that you cannot pay even the required *initial partial fee*, your appeal may nevertheless proceed, **BUT THE TOTAL \$505 FEE WILL BE ASSESSED AGAINST AND WILL BE DEDUCTED FROM FUTURE DEPOSITS TO YOUR PRISON ACCOUNT.**)

Fees are not refundable, regardless of outcome, and deductions from your prison account will continue until the total \$505 fee is collected, even if an appeal is unsuccessful.

David J. Smith
Clerk of Court

PLRA Notice